

COASTAL CONSERVANCY

Staff Recommendation
December 2, 2004

**POMO BLUFFS PARK IMPROVEMENTS
CONSTRUCTION**

File No. 04-082
Project Manager: Moira McEnespy

RECOMMENDED ACTION: Authorization to disburse up to \$600,000 to the City of Fort Bragg to construct access improvements at Pomo Bluffs Park.

LOCATION: Pomo Bluffs Park, South of Noyo Harbor, City of Fort Bragg, Mendocino County (See Exhibits 1 and 2).

PROGRAM CATEGORY: Resource Enhancement and Public Access

EXHIBITS

- Exhibit 1: Project Location Map
 - Exhibit 2: Project Site Map
 - Exhibit 3: Conceptual Plan Map
 - Exhibit 4: Letters/Summaries of Support
 - Exhibit 5: City of Fort Bragg Initial Study and Mitigated Negative Declaration
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement to the City of Fort Bragg of an amount not to exceed six hundred thousand dollars (\$600,000) to restore native vegetation and construct access improvements at Pomo Bluffs Park. This authorization is subject to the following conditions:

1. Prior to disbursement of any funds, the Executive Officer of the Conservancy shall approve in writing:
 - a. A work plan, budget and schedule;
 - b. Any subcontractors to be employed in these tasks; and
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- c. An updated Pomo Bluffs Park Management Plan.
2. On request of the Conservancy, the grantee shall permit alignment of a segment of the California Coastal Trail on the Pomo Bluffs Park, including the City's access easements, and shall install and maintain sign(s) identifying the property as a segment of the California Coastal Trail, the design, number and placement of which has been approved by the Executive Officer."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

3. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code.
4. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
5. The proposed project will serve greater than local needs."

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of up to \$600,000 to the City of Fort Bragg to restore native vegetation and construct access improvements at Pomo Bluffs Park (Exhibits 1 and 2).

In 2001, the Conservancy and Caltrans provided funding for the City to acquire the approximately 20-acre Pomo Bluffs Park property (formerly called "South Noyo Bluffs") for open space preservation, public access, and recreation purposes. Pomo Bluffs Park is one of the only locations in the Fort Bragg vicinity to watch fishing boats coming in and out of Noyo Harbor, catch a glimpse of migrating gray whales, or simply enjoy the view of the Pacific Ocean. The property also provides a valuable link in the Coastal Trail, affording trail users an alternative to Highway 1 and access to coastal bluffs overlooking the harbor, river mouth, and ocean. The blufftop trail link will add a 2,500-foot segment to the California Coastal Trail.

The Conservancy previously funded the City's preparation of a management plan for the new park. The City now seeks to implement the park improvements identified in the management plan. In December 2003, the Conservancy authorized funds for the City to engineer and design vehicular access and parking, trails and viewpoints, interpretive signs, benches and other site furnishings, restrooms, and restoration of the site's native vegetation (see the Conceptual Plan Map attached as Exhibit 3).

This authorization will enable the City to construct the following improvements:

- One 47-space parking lot that will accommodate 43 automobiles and four RVs;
- A 10-foot-wide paved pedestrian and bicycle trail along the northern blufftop with viewing/interpretive stops spaced throughout;
- a three-foot-wide unpaved trail along the western blufftop;

- site furnishings, including a waterless restroom at the parking lot, park signs and interpretive signs, trash receptacles, pet waste dispensers, and benches;
- split-rail fencing along the south property line adjacent to the existing residential parcels, and vehicle-restrictive bollards at the end of each residential street; and
- removal of exotic invasive plants, and restoration of native vegetation.

Site Description: Pomo Bluffs Park consists of approximately 20 acres on the northwestern portion of the Todd Point Subdivision. The park is a long narrow strip of blufftop land. To the north of the property is Noyo Bay and the entrance to the Noyo fishing harbor. To the east is a HVC-zoned (Highway/Visitor-Serving/Commercial) parcel that contains some RVs, and to the east of that parcel is The Cliff House restaurant and Highway 1. To the south is an RV Park and the Todd Point subdivision which has six north-south streets that dead-end at the subject property. To the west is the Pacific Ocean.

Project History: In its March 12, 1999 approval of Caltrans' request to retrofit the Noyo River Bridge, the Coastal Commission identified the Noyo Bluffs properties as desirable for acquisition and development as a public viewing area. Caltrans provided the Conservancy with \$1,000,000 of mitigation funds that are required to be used, under conditions of its coastal development permit, for acquisition and improvement of public recreational lands in Fort Bragg or Mendocino County. In 2001, the Conservancy and Caltrans (via a different funding source) provided funding for the City to acquire the Pomo Bluffs property, and the Conservancy provided additional funding for the City to prepare a management plan. In 2003, the Conservancy provided funding via the mitigation funds for the City to engineer and design the access improvements.

PROJECT FINANCING:

Coastal Conservancy	\$600,000
City of Fort Bragg	
(in-kind contribution for CEQA review, permitting, and construction mgmt)	<u>14,000</u>
Total Project Cost	\$ 614,000

Funds are expected to come from a Caltrans mitigation fund for its retrofit of the Noyo River Bridge that are held in a Conservancy Special Deposit Fund Account. Pursuant to a special condition of Caltrans' coastal development permit for the bridge retrofit, and as subsequently memorialized in an MOA between the Coastal Commission, the Conservancy, and Caltrans, the Noyo River Bridge Mitigation fund must "only be used to acquire and improve...land in the Fort Bragg or Mendocino County area as a public recreational area offering views of the Pacific Ocean." Hence, use of these funds to improve the Pomo Bluffs Park for public access is consistent with funding source requirements. After this authorization, approximately \$45,000 would remain in the special deposit account for use on additional Mendocino County coastal access projects.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed authorization would be undertaken pursuant to and is consistent with the Conservancy's enabling legislation, Division 21 of the Public Resources Code,

specifically Chapter 6 (Section 31251 *et seq.*) pertaining to coastal resource enhancement, and Chapter 9 (Sections 31400 *et seq.*) pertaining to public access to and along the coast.

Public Resources Code Section 31251 states that the Conservancy may award grants to public agencies to enhance coastal resources that, because of human-induced events, have suffered loss of natural and scenic values. Grants may be used for corrective measures that will enhance the natural and scenic character of the areas. In the proposed project the Conservancy will grant funds to the City of Fort Bragg, a public agency, to restore native vegetation to the denuded coastal Pomo Bluffs, which have been degraded due to, among other things, improper vehicle use. The proposed funding authorization is thus consistent with Public Resources Code Section 31251.

Public Resources Code Section 31252 states that all areas proposed for resource enhancement shall be identified in a certified local coastal plan or program as requiring public action to resolve existing or potential resource protection problems. The City of Fort Bragg's local coastal program identifies the Pomo Bluffs Park area as suitable for a trail from which fine views would be possible, and proposes public access at the site. In developing a management plan for public access at the site, the City has determined that one of the access components consists of restoring native vegetation in areas of the site that have been subject to uncontrolled vehicle and pedestrian access. The proposed funding authorization is thus consistent with Public Resources Code Section 31252.

Public Resources Code Section 31400 states the Legislature's intent that the Conservancy have a principal role in implementing a system of public accessways to and along the state's coastline. In the proposed project, the Conservancy will fund construction of public access improvements on the oceanfront Pomo Bluffs Park, including a segment of the California Coastal Trail. The proposed funding authorization is thus consistent with Public Resources Code Section 31400.

Public Resources Code Section 31400.3 enables the Conservancy to aid public agencies in establishing a system of public coastal accessways; Public Resources Code Section 31400.1 enables the Conservancy to award grants to any public agency having authority to develop, operate, and manage lands for public accessways to and along the coast that serve more than local public needs; and Public Resources Code Section 31400.2 provides that the Conservancy may provide up to the total cost of the initial development of public accessways by any public agency, after evaluating the availability of funds. The City of Fort Bragg is a public agency that seeks to develop and manage the Pomo Bluffs Park as a coastal public accessway for both the local community and visitors alike. The Mendocino coast is a statewide, national and international visitor destination and the provision of RV and other parking, along with trail and associated access amenities, will enable visitors to use this site. Staff has evaluated funding for this project and finds the Conservancy's grant appropriate given the fiscal resources of Fort Bragg, the urgency of the project and the funds available for development of this project. The proposed funding authorization is thus consistent with Public Resources Code Sections 31400.3, 31400.1, and 31400.2.

Finally, Public Resources Code Section 31408(a) states that the Conservancy shall coordinate the development of the California Coastal Trail. In the proposed project, the

Conservancy will award funds to the City of Fort Bragg to construct a blufftop trail that will become a segment of the California Coastal Trail. The proposed funding authorization is thus consistent with Public Resources Code Sections 31408(a).

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

The proposed authorization will enable the City of Fort Bragg to:

- consistent with **Goal 1 Objective C**, construct 2,500 feet of the California Coastal Trail; and
- consistent with **Goal 2 Objective A**, improve public access park amenities in the newly-acquired Pomo Bluffs Park.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The management planning process provided several forums for public input, including a special public meeting, two City Council meetings, and a written survey. Development of public accessways was strongly supported. Please see additional letters of support contained in Exhibit 4.
4. **Location:** The proposed project would be located within the coastal zone of the City of Fort Bragg, Mendocino County.
5. **Need:** The City of Fort Bragg does not have adequate resources to implement the Pomo Bluffs Park Management Plan. Hence, construction of the public access improvements identified in the plan will not occur without Conservancy participation.
6. **Greater-than-local interest:** The Mendocino coast is a statewide, national, and international visitor destination.

Additional Criteria

7. **Readiness:** The City of Fort Bragg has developed a Pomo Bluffs Park Management Plan and is now ready to implement the recommendations.
8. **Realization of prior Conservancy goals:** See "Project History" section, above.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed project is consistent with the relevant portions of the City of Fort Bragg's Local Coastal Program ("LCP") (certified February 26, 1988).

The "Todd Point Annexation Area" section, Section G, of the "Introduction" chapter of the LCP states that the Land Use Plan shows a trail on the Pomo Bluffs Park site where fine views would be possible. Such a trail would link Todd Point with South Harbor Drive passing under Noyo Bridge. Furthermore, the "Area-wide Coastal Access" section, Section C, of the "Shoreline Access" chapter states that additional public access is proposed for Todd's Point, and the "City-wide Access" section, Section D, states the following reasons for improving public access to the City's coastline: (1) Desirability of providing coastal access in conjunction with and in support of visitor-serving facilities; and (2) the need for maximizing coastal accessibility for all the state's people.

In addition, the proposed project fulfills LCP Access Policy III-10, which states that "lateral access along that part of the south bank of the Noyo River within the city limits shall be acquired. This accessway shall eventually be connected to the trail system leading from the southern bluff of the Noyo headlands to South Harbor Drive."

COMPLIANCE WITH CEQA:

The City of Fort Bragg, as lead agency for the Pomo Bluffs Park Improvements project under the California Environmental Quality Act (CEQA), prepared an Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration (attached as Exhibit 5). The Initial Study identified only less than significant impacts as follows: aesthetics (the proposed project is expected to bring about the positive impacts of consolidating vehicles and restoring native vegetation), air quality (the proposed project is expected to bring positive impacts due to elimination of OHVs, but short-term negative construction impacts), geology and soils (the proposed project is located where small earthquakes can be expected to occur; the proposed project will be constructed to meet current standards relative to earthquake readiness and safety), and public services (the proposed project is expected to bring a decrease in police patrol to address nuisance from OHVs, but an increase in police patrol to guard against vandalism of the park improvements). Because the Initial Study identified only less than significant impacts, the City recognized that the Notice of Intent should have referenced a Negative Declaration rather than a Mitigated Negative Declaration, and the City affirmed its intent to adopt a Negative Declaration.

The Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration were circulated for a 20-day public review period commencing October 5, 2004. The City did not receive any comments. On November 10, 2004, the Planning Commission adopted the Negative Declaration. On November 23, 2004, the City filed a "Notice of Determination," including a finding pursuant to Fish and Game Code Section 711.4 that the project will not have an adverse effect on wildlife resources.

Staff has reviewed the Negative Declaration and concurs that there is no substantial evidence that the project as proposed will have a significant effect on the environment. Staff therefore recommends that the Conservancy approve the Negative Declaration, and find that the project does not have the potential for an adverse effect on the environment as defined in 14 Cal. Code

of Regulations, Section 15382, or on wildlife resources, as defined in Fish and Game Code Section 711.2. Staff will file a Notice of Determination upon approval of the project.